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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,145	09/12/2003	Jeffrey George	60518-162	7734

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EXAMINER
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PANDYA, SUNIT

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/661,145

Applicant(s)

GEORGE ET AL.

Examiner

Sunit Pandya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/29/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to amendment filed 5/6/2005. Where in claims 1-62 are pending.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-62 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim:

- a. Claims 1-73 of copending application no. 10/661,129
- b. Claims 1-105 of copending application no. 10/661,133
- c. Claims 1-58 of copending application no. 10/661,392

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- d. Claims 1-65 of copending application no. 10/661,140
- e. Claims 1-79 of copending application no. 10/661,391
- f. Claims 1-78 of copending application no. 10/661,395
- g. Claims 1-69 of copending application no. 10/661,131

Although the conflicting claims are not identical, they are not patentably distinct from each other because similarly they all teach a remote system for use with a gaming system, the remote system comprising wireless connection, a processor, a web client, an alert system, etc...

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen et al. (US Patent No. 6,712,698)

Regarding claims 1-7, 32-37, Paulsen discloses a gaming system for processing an alert, comprising a host computer coupled to a remote terminal or a remote computer, said remote computer being connected to the host computer via a network

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such as the Internet, for Exchanging data between the host and the remote computer wherein the remote device allows user to acknowledge the alert and responsively inform the host computer, wherein if the user causes a mistake a display may light up or start flashing red light, or create an audio alert of sort (play music, or pulsate), thus allowing the user to acknowledge the alert and response to the host computer regarding the alert, 21: 27-51 and 29: 15-30. Paulsen further discloses gaming machines utilizing audio graphics to issue alert, 1: 34-47, and 15: 19-29. Components such as music, sounds and Paulsen discloses using wireless connection such as IEEE 802.11 standard, IEEE 802.11b, IEEE 802.11g to couple the remote device to the remote network interface, 3: 43-60, 11: 35-63.

However Paulsen does not teach of sending a selectable form of alert to the user or allow the user to select the alert, or display the selected alert to the user. However at the time the invention was made, it would have been obvious matter of design choice to a person of ordinary skill in the art to allows the user to select the alert from multiple alert system (i.e. the alert could be music, sound, message) thus allowing the user to feel in control of the game and thus adding to the excitement of the game, because the applicant has not disclosed that adding selectable alert forms, provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's inventions to perform equally well without given multiple different types of alert (music, or sounds or messages). Therefore it would have been an obvious matter of design choice to modify Paulsen to obtain the invention as specified in claims 1 and 32.

The disclosure of Paulsen has been discussed above and is therefore incorporated herein. Regarding claims 8-31, 38-62 Paulsen discloses providing data including a form, as shown in Fig 3E, but lacks in disclosing an alert form. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such feature since it has been held that the provision of suitability, where needed, involves only routine skill in the art. Such feature would heighten player's interest and/or draw patron's attention, 1: 33-46. Paulsen discloses providing web interface allowing view of web pages, for interaction with a user and further discloses acquiring input from users, formatting and presenting data to users, 4: 39-47, 6:17-25. Paulsen discloses allowing access to certain information to users according to user's roles, 30: 61-67, 31: 1-2. Paulsen discloses providing an audio Layout in each interface and including a button for selecting by the user to send alert notification, 6-7: 61-31. Paulsen further discloses checking for information validation and displaying messages to users according to received information, 32: 8-12. Paulsen further discloses providing an alert button, 15: 15-30 but Lacks in disclosing the alert button being a refresh button. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the provided button of Paulsen as a refresh button, since it has been held that the provision of suitability, where needed, involves only routine skill in the art. Paulsen discloses tracking time, date, Location of events and further discloses displaying text to describe messages, 32: 8-12.

### ***Response to Arguments***

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Applicant's arguments filed 5/6/2005 have been fully considered but they are not persuasive.

The applicant argues that Paulsen does not disclose a remote device or a method for processing an alert as set forth in amended independent claims 1 and 32. The examiner respectfully disagrees with the applicant. As stated in the rejection above, it is shown that Paulsen discloses a gaming system for processing an alert, comprising a host computer coupled to a remote terminal or a remote computer, wherein remote computer is connected to the host computer via a network such as the Internet, for Exchanging data between the host and the remote computer wherein the remote device allows user to acknowledge the alert and responsively inform the host computer, wherein if the user causes a mistake a display may light up or start flashing red light, or create an audio alert of sort (play music, or pulsate), thus allowing the user to acknowledge the alert and response to the host computer regarding the alert, 21: 27-51 and 29: 15-30, and also 3: 43-60, 11: 35-63.

Consequently, the rejection is maintained.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

A handwritten signature in black ink, appearing to read "Corbett B. Coburn" followed by a stylized flourish.

CORBETT B. COBURN  
PRIMARY EXAMINER